



Loudoun County, Virginia

Board of Supervisors

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**BOARD OF SUPERVISORS
PUBLIC HEARING
AGENDA SUMMARY**

Board Room, First Floor, Government Center
Wednesday, November 9, 2022
6:00 P.M.

(* *Proposed on Consolidated Hearing*)

I. CALL TO ORDER

II. BOARD OF SUPERVISORS PUBLIC HEARING ITEMS FOR CONSIDERATION:

1. *Proposed New Lease of County Property –Young Min Kwak, Sycolin Deli (Catocin)

The purpose of this item is to hold a public hearing and seek Board of Supervisors (Board) approval for a new lease with the County's current tenant, Young Min Kwak, owner of the Sycolin Deli, for County property located at 801 Sycolin Road, Suite 103, Leesburg, Virginia 20175 (PIN 191-35-3864) (the Property).

The current lease for the Sycolin Deli began in July of 2002 between the former owner of the Property, Parks Centres I LLC, and former tenants and deli owners, Dai In Shin and Jung Lim Shin, for space at 803 Sycolin Rd, Leesburg, VA 20175. In 2008, the lease was assigned to the Deli's new owner, Young Min Kwak, and in 2010 the County purchased the Property. In March of 2012, the County relocated Young Min Kwak's deli from 803 Sycolin Rd to the current location at 801 Sycolin Road, at County expense including three months of rent abatement. The County has continued to honor and renew the existing lease over the years. However, staff has decided to create a new lease between the tenant and the County to better reflect the current ownership of the property and deli, and the relationship between the parties.

The current lease will expire on December 31, 2022. The proposed terms of the new lease include a five-year term beginning January 1, 2023, and ending December 31, 2027. The annual base rent will be \$25.00 per rentable square foot or \$2,641.67 monthly (\$31,700.00 annually) with a 3% increase annually. The County reserves the right to relocate the tenant at tenant's expense with a 3-month abatement of rent. Staff considers these terms consistent with current fair market rental rates in the area.

Staff Contacts: Gretchen Mitchler & Ernest Brown, General Services; Theresa Fontana, County Attorney's Office

2. Proposed 2023 Legislative Program (Countywide)

Each year the Board of Supervisors (Board) adopts a Legislative Program indicating its priority issues and initiatives for the upcoming session of the Virginia General Assembly. As part of this Legislative Program, the Board requests the Senators and Delegates representing Loudoun County to introduce specific legislation of importance to the County. The Board is seeking input from the public on the draft 2023 Legislative Program.

Staff Contacts: John Freeman & Charles Yudd, County Administration

3. Nonprofit Organizations' Requests for Property Tax Exemption by Designation (Countywide)

This staff item presents two applications which were deemed complete for organizations interested in seeking an exemption by local designation from real estate or personal property taxes effective January 1, 2023 pursuant to Virginia Code § 58.1-3651. The fiscal impact of granting property tax exemptions by designation is dependent on the organizations the Board approves for exemption and the value of the personal and real property owned by the respective organizations. The amount will vary based on the assessed value of the property, be it real or personal, and the tax rate for that property class established by the Board for any particular year.

Staff Contacts: Barbara Fink, Commissioner of Revenue's Office; Robert S. Wertz, Commissioner of Revenue

4. *2022 Interim Additions to Agricultural and Forestal Districts (Blue Ridge & Catoclin)

Section 15.2-4309 of the Code of Virginia provides a mechanism for property owners to add land (Interim Addition applications) to Agricultural and Forestal Districts on or before June 1 of each year. The Code of Virginia further provides that the Board of Supervisors (Board) must take action to adopt or reject such application no later than 180 days after the June 1 deadline, which is November 27. Three Interim Addition applications were received that would add 45.99 acres to three AFDs— New Hughesville, New Featherbed, and New Hillsboro.

Upon receiving applications to add parcels to AFDs, staff sends notification by first-class mail to the owners of the properties that are adjacent to each parcel (on June 17, 2022), and adjacent property owners may submit an application to join the other Interim Additions (until July 18, 2022). No additional requests were received by the July 18 deadline.

At the August 4, 2022, Agricultural Advisory Committee (ADAC) public meeting, the ADAC voted (5-0-2: Hedges and Kershner absent) to recommend that the Board approve the Interim Addition applications.

At the September 27, 2022, Planning Commission (Commission) public hearing, the Commission voted (7-0-2: Hayes and Miller absent) to recommend that the Board approve the Interim Addition applications.

Staff supports Board approval of the 2022 Interim Addition applications.

Staff Contacts: Rachael Iwanczuk & Daniel Galindo, Planning & Zoning

5. *SPEX-2021-0033, SPEX-2021-0034, SPEX-2021-0037, & SPMI-2021-0006, Beach Commercial (Dulles)

The purpose of this item is to consider three Special Exception (SPEX) applications for: 1) a convenience food store; 2) a retail sales establishment; and 3) a fast-food restaurant without a drive-thru in the Commercial/Light Industry (CLI) zoning district. The applicant also requests to eliminate the buffer yard requirement between the subject parcel and the parcel to the north, and to permit a Minor Special Exception (SPMI) to reduce the frontage requirements of the convenience food store from 200 feet to 140 feet along Meadows Farms Court.

The Planning Commission (Commission) held a Public Hearing on July 26, 2022. There were no public speakers. The Commission discussed stormwater management and the impacts of the proposed development layout on existing wetlands on- and off-site. The Commission forwarded (7-0-2: Miller and Salmon absent) the applications to a future Work Session for discussion. At the September 8, 2022, Work Session, the Commission requested the applicant preserve the off-site wetland area and work with staff to determine an appropriate Condition of Approval to address improvements at the intersection of Tall Cedars Parkway and Meadows Farms Court. The Commission forwarded (8-0-1: Kirchner absent) the applications to the Board of Supervisors (Board) with a recommendation of approval.

Staff supports Board approval of the applications subject to Conditions of Approval. As conditioned, the proposal is consistent with the Suburban Mixed Use Place Type and infill development policies of the Loudoun County 2019 General Plan. The County Attorney's Office has approved the Conditions to legal form. The application is ready for action. The critical action date is December 20, 2022

Staff Contacts: Grace Oestenstad & Daniel Galindo, Planning & Zoning

6. ZMAP-2021-0005, SPEX-2022-0022, ZMOD-2021-0015 & ZMOD-2021-0046, Belmont Park (Ashburn)

The purpose of this item is to consider a Zoning Map Amendment (ZMAP) request to convert 12.16 acres of planned office use to residential use in order to develop up to 163 dwelling units, to include 57 townhouse units and 106 stacked multifamily (MF) units. The applicant is also requesting a Special Exception (SPEX) and Zoning Ordinance Modifications (ZMODs) to increase residential building heights to 55 feet, reduce building and parking setbacks along Russell Branch Parkway and Route 7, and reduce front yard requirements. The subject property is located south of Route 7, east of Claiborne Parkway and will be north/northeast of Russell Branch Parkway in the Ashburn Election District.

The Planning Commission (Commission) held a public hearing on June 28, 2022. There were two public speakers who addressed the Commission with concerns relating to the proposed development's impact to an existing viewshed easement. The Commission discussed the status of Russell Branch Parkway, the building setback reduction, parking spaces, active recreation amenities, and the viewshed easement. The Commission forwarded (8-0-1: Salmon absent) the application to a future Work Session for further discussion. The Commission held a Work Session on September 27, 2022. The Commission discussed unit sizes and housing prices. The Commission forwarded (8-1: Kirchner opposed) the applications to the Board of Supervisors with a recommendation of approval.

Staff cannot support approval of the applications at this time. While the proposal generally meets the recommendations of the Suburban Mixed Use Place Type guidance in the Loudoun County 2019 General Plan (2019 GP), staff cannot support the applicant's proposal for a capital facilities credit for the installation of streetlights on the adjacent property to the southwest. The County Attorney's Office is reviewing the Proffer Statement to legal form. The item is not ready for action. The critical action date is January 17, 2023.

Staff Contacts: Jacqueline Marsh & Daniel Galindo, Planning and Zoning

7. SPMI-2020-0014, Equinix Lighting (Broad Run)

The purpose of this item is to consider a Minor Special Exception (SPMI) to modify Section 5-664(C) of the Zoning Ordinance to permit ground mounted, LED light fixtures that will uplight and illuminate the western and southern building exposures of the approved data center building on the subject property. Pursuant to Section 5-664(C) of the Zoning Ordinance, “All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.” The Applicant notes the ground-mounted, LED light fixtures will be a secondary lighting source and the design intent is to allow for variable color/scheme LED lighting to create festive colors and patterns on the western and southern building exposures for various holidays and special occurrences.

The subject property is located on the northeast corner of the Loudoun County Parkway (Route 607)/Waxpool Road (Route 625) intersection.

The Planning Commission does not review SPMI applications, which proceed directly to the Board of Supervisors (Board) for consideration. Staff recommends Board denial of this application, as the proposed up-lighting is not supported by the 2019 GP as the primary intent of the lighting is decorative and it is not necessary for public safety or visibility. Should this application be considered further, staff has drafted Conditions of Approval (Conditions) to minimize impacts to the greatest extent practicable. The Office of the County Attorney has approved the Conditions to legal form. The applications are ready for action. The critical action date is February 1, 2023.

Staff Contacts: Paul Wackrow & Daniel Galindo, Planning and Zoning

8. ZCPA-2020-0004, ZRTD-2020-0004 & SPEX-2020-0015, Woodland Plaza Tall Oaks, Lot 1 (Sterling)

The purpose of this application is to consider a Zoning Concept Plan Amendment (ZCPA) to replace the existing Proffer Statement (Proffers) and Concept Development Plan (CDP) approved with ZCPA-2007-0006, Tall Oaks Lot 1, in order to allow a contractor service establishment with outdoor storage. The applicant also seeks to rezone the subject property to the current Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) and seeks a Special Exception (SPEX) to develop a contractor service establishment with outdoor storage in excess of the 20 percent lot area maximum allowed at the site. The applicant has provided Proffers which limit the allowable uses to contractor service establishment and commit the applicant to transportation, landscaping, and stormwater improvements. Staff has recommended draft Conditions of Approval (Conditions) which limit outdoor storage to 33.13 percent of the property (19,888 square feet).

The 1.39-acre site is located at the northwest corner of Cascades Parkway and Woodland Road. Access to the site is provided by both Cascades Parkway and Woodland Road.

The Planning Commission (Commission) held a public hearing on September 27, 2022. There were no speakers at the public hearing. The Commission discussed the type of outdoor storage proposed by the applicant, the proposal’s impact on existing vegetation, and opportunities for reforestation and enhanced plantings. At the conclusion of the hearing, the Commission forwarded (8-0-1: Miller absent) the item to the Board of Supervisors with a recommendation of approval subject to the CDP being revised to include an additional planting area and the inclusion of additional Conditions requiring an oil/water separator and

prohibiting outside storage of hazardous materials. The Proffers and Conditions have been updated to reflect this recommendation.

Staff does not support a recommendation of approval as staff can not recommend approval of the SPEX to increase the amount of outdoor storage above that which is allowed in the Zoning Ordinance. The Office of the County Attorney has approved the Proffers and Conditions to legal form. The applications are ready for action. The critical action date is December 6, 2022.

Staff Contacts: Paul Wackrow & Daniel Galindo, Planning and Zoning

9. CPAM-2021-0001, ZMAP-2021-0011 & ZOAM-2021-0002, Airport Impact Overlay District Update (Countywide)

The purpose of this item is to consider coordinated amendments to the *Loudoun County 2019 General Plan* (2019 GP) and the *Revised 1993 Loudoun County Zoning Ordinance* (Zoning Ordinance) that would amend the County's policies and zoning regulations pertaining to land development in areas where airport noise impacts are understood to occur. The amendments comprise a Comprehensive Plan Amendment (CPAM), a Zoning Map Amendment (ZMAP), and a Zoning Ordinance Amendment (ZOAM). The primary issue for the Board's consideration is whether to update the noise contours for Washington Dulles International Airport with the projected noise contours in the 2019 Washington Dulles International Noise Contour Map Update.

The Planning Commission (Commission) held a Public Hearing for the amendments on June 28, 2022, during which 39 speakers provided public comments. A majority of speakers expressed concern over existing noise levels; many expressed opposition to the Amendments on the basis that adoption could lead to increased noise; many expressed a desire for the County to lobby the Federal Aviation Administration (FAA) to change flight paths in order to avoid overflight noise impacts on residential areas; and approximately 8 speakers voiced support for either transition rules or a carve-out that would accommodate continued residential development within the proposed Ldn 65+ immediately to the west/southwest of the airport. The Commission voted (8-0-1: Salmon absent) to send the amendments to a work session for further discussion.

The Commission held a work session on September 8, 2022. The Commission asked questions and discussed issues pertaining to the noise model, potential grandfathering rules, the disclosure requirement, and impacts on existing residential developments. The Commission forwarded (6-3: Barnes, Combs, and Kirchner opposed) the item to the Board of Supervisors (Board) with a recommendation of approval, with an additional recommendation that staff provide the Board with additional reporting on alternative disclosure templates that would apply to all sales county-wide rather than solely within the Airport Impact Overlay District.

Staff supports approval and adoption of the amendments. The critical action date for this item is February 5, 2023.

Staff Contacts: Josh Peters & Daniel Galindo, Planning and Zoning

III. ADJOURN

Please note:

Advanced sign-up for Public Comment is available for the Public Hearing only. Contact the Office of the County Administrator at (703) 777-0200 to sign-up to speak on an item on the hearing's agenda. Advanced sign-up is open until noon the day of the Public Hearing. The hearing can be viewed via webcast at www.loudoun.gov/meetings.

Public input may be provided by electronic means at Board public hearings. Members of the public who wish to provide electronic public input will be accommodated without advanced sign-up during the hearing, however, members of the public are strongly encouraged to signed-up in advance by noon the day of the hearing.

Copies of agenda items are available in the County Administrator's Office, the Government Center, and also available on-line at <http://www.loudoun.gov/bosdocuments>. The Action Report of the hearing is usually available on-line by close of business two days following the Public Hearing. If you need assistance accessing this information contact County Administration at 703-777-0200.

If you require a reasonable accommodation for any type of disability in order to participate in this meeting, please contact the Office of the County Administrator at 703-777-0200. At least one business day of advance notice is requested; some accommodations may require more than one day of notice.

FM Assistive Listening System is available at the hearing. Agenda Summary – 11-09-22

Land Development Application Definitions	
CMPT	Commission Permit
DOAM	Development Ordinance Amendment
SIDP	Sign Development Plan
SPEX	Special Exception
SPMI	Minor Special Exception
ZCPA	Zoning Concept Plan Amendment
ZMAP	Zoning Map Amendment
ZMOD	Zoning Ordinance Modification
ZRTD	Zoning Conversion Route 28 Tax District
ZOAM	Zoning Ordinance Amendment
Land Development Application Types and Definitions subject to the State Proffer Bill	
ZRES	Zoning Residential Non-Exempt
ZRMD	Zoning Residential Non-Exempt Modification
ZRAM	Zoning Residential Non-Exempt Amendment